

RC letter
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USA-S-1829-676

AA 95-00

Ward & Miriam ~~Smith~~

VAR

2000-0057-V Jones

95-00

RECEIVED

APR 10 2000

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2000-0057-V

IN RE: WARD AND MIRIAM JONES

FIRST ASSESSMENT DISTRICT

DATES HEARD: APRIL 4, 2000

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: CHARLENE MORGAN

DATE FILED: APRIL 10, 2000

PLEADINGS

Ward and Miriam Jones, the applicants, seek a variance (2000-0057-V) to permit a dwelling addition with less setbacks than required on property located along the east side of Shore Drive, northeast of Bently Road, Edgewater.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. Mr. Jones testified that the property was posted for 14 days prior to the hearing.

FINDINGS AND CONCLUSIONS

The applicants own a single-family residence located at 1122 Shore Drive, in the subdivision of Woodland Beach, Edgewater. The property comprises 6,840 square feet and is zoned R-5 residential with a Chesapeake Bay Critical Area designation as Intensely Developed Area (IDA). This waterfront lot is buffer exempt. The applicants propose to add a second story over the existing dwelling which will be within four feet of the south side lot line and 10 feet of the north side lot line. They are also proposing a rear addition within 10 feet of the north side lot line.

The Anne Arundel County Code, Article 28, Section 2-506(a) requires side yards at least seven feet wide with a combined width of 20 feet in the R-5 district. Accordingly, the proposal requires a variance of three feet to the south side

setback and six feet to the combined side yard width.

Charlene Morgan, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is below the minimum area and width for the R-5 district. The construction will be no closer to the water than the existing dwelling. The 1927 dwelling contains only 1,182 square feet of living area. The witness supported the application, conditioned on mitigation with native plantings and compliance with the Floodplain Management Ordinance at building permit.

Mr. Jones testified that they have owned the home for 10 years. The construction is no closer to any property line than the existing structure.

Mr. Danna, the applicants' contractor, testified that the improvements will meet the requirements of the Floodplain Management Ordinance. There was no public opposition to the request.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief from the code. This case satisfies the test of unique physical conditions, consisting of a nonconforming dwelling on a small, narrow lot, such that there is no reasonable possibility of developing the lot in strict conformance with the code. I further find that the variance is the minimum necessary to afford relief. The improvements will come no closer to any property line, including the shore. There was nothing to suggest that the granting of the variance will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the

public welfare. The approval shall be subject to the conditions in the Order.

ORDER

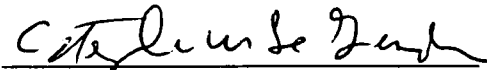
PURSUANT to the application of Ward and Miriam Jones, petitioning for a variance to permit a dwelling addition with less setbacks than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 10th day of April, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a variance of three feet to the required 7-foot south side property line setback and a variance of six feet to the required 20-foot combined side yard width to permit dwelling additions in accordance with the site plan.

The foregoing variances are subject to the following conditions:

1. The applicants shall provide mitigation satisfactory to PACE at building permit.
2. The applicants shall satisfy the Floodplain Management Ordinance at building permit.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved

thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0057-V, Ward and Miriam Jones

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected by this proposal, this office has no comment on the setback issue. This lot is designated IDA. Therefore, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

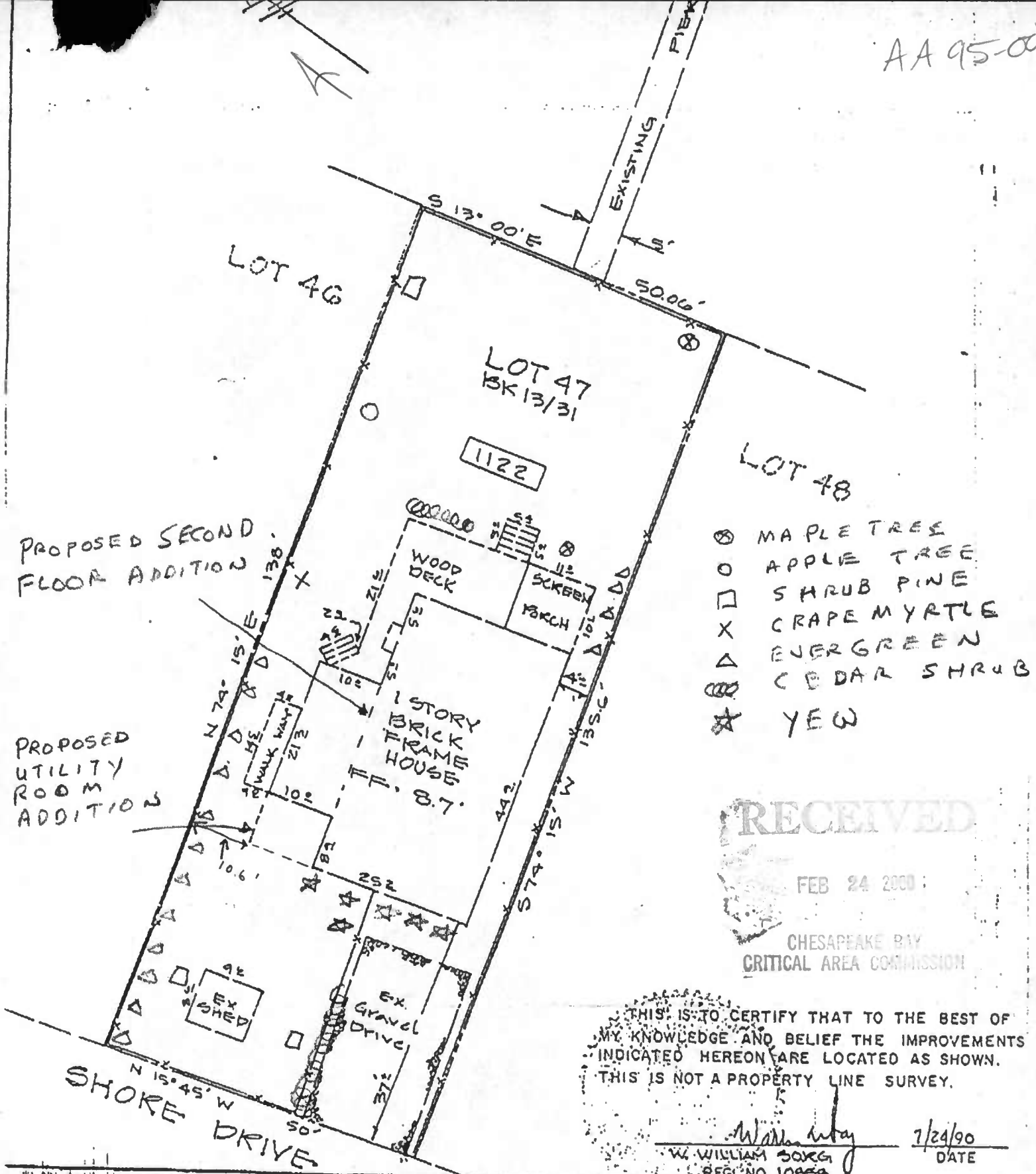
Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA95-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

AA 95-00



IMPROVEMENT LOCATION

LOT 47

SECTION F

NEW SOUTH RIVER PARK

FIRST DISTRICT

ANNE ARUNDEL COUNTY, MARYLAND

SUBDIVISION PLAT RECORDED IN BOOK 7 PAGE 2

ED BROWN ASSOCIATES

SURVEYORS - LAND PLANNERS

1993 MORELAND PARKWAY

SUITE 103

ANNAPOLIS, MARYLAND

ANNA 268-8013, BALT 269-7632

DRAWN BY *[Signature]*

CHECKED BY *[Signature]*

DATE 7/90

SCALE 1"=20'

JOB NO. HL59